

BOARD OF SELECTMEN
MINUTES
NOVEMBER 19, 2007

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Margaret B. Briggs, Chair; Virginia McIntyre; Anne D. Shapiro; Stanly E. Black, and Gregory P. Howes, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA

Consent Agenda

- Town Accountant's Warrants
- Gift Acceptance: Concord Carlisle Community Chest Gift to Community Services Coordinator Gift Account \$5,250; Council on Aging Mental Health Worker Gift Account \$1,200; Council on Aging Volunteer Coordinator Gift Account \$2,500
- One Day Special License Family Trees Gala at the Concord Museum 200 Lexington Rd, on November 30 & December 7 from 6:30PM to 8:30PM

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve the Consent Agenda as read.

Ms. Briggs, Chair, stated that the question regarding Willard School Construction had prevailed at the polls. She thanked all for their hard work and participation in the Special Town Meeting and Election. She commented that the Bruce Freeman Rail Trail matter that failed at Special Town Meeting would likely be brought to Annual Town Meeting in the spring. The 2008 Annual Town Meeting cycle will begin on December 3rd.

TOWN MANAGER'S REPORT

Town Manager's
Report

1. Building Commissioner John Minty has reported that the level of inspection activity in 2006 was high and expected to remain high in 2007 due to affordable housing projects, the Strawberry Hill Road development, as well as construction planned by Emerson Hospital and churches.
2. Staff met with developers to review the Alexan Concord plans. This development in West Concord will add 350 units of housing to be accessed at Old Powdermill Road in Acton. The matter will go before the Zoning Board of Appeals on December 13.
3. The Community Preservation Committee will hold a Public Hearing regarding the 2008 CPA funding recommendations on November 29th. The Committee is also considering fast track funding to acquire a parcel of land on Walden Street.
4. The sprinklering and fire alarm system being installed in the Town House with funds from a CPA grant is nearly complete. Testing, painting and other cosmetic work remains to be done.
5. The Town Manager's request for new spending in FY09 was \$830,000. The Finance Committee Guideline Sub-Committee has issued its preliminary Guideline that recommends funding increases for Town government operations of \$790,000, assuming no Override. Discussions will continue through the first of the year.

Ms. Briggs stated that the Finance Committee voted to allocate an additional \$100,000 from Free Cash in FY09 to the Town Budget. She noted that the School Committee has worked very hard to produce a responsible budget within the levy limit as well. The community is being challenged by capital projects and cutbacks in state aid.

Ms. Briggs said that Concord and Carlisle officials have continued their practice of working together on common issues, focusing on preserving the educational requirements at the high school. Carlisle is in an extremely tight situation with its levy limit budget and will be facing overrides in the spring in order to meet the high school budget requirements.

6. Finance Director Tony Logalbo and Appraiser Lynn Masson report that the Massachusetts Department of Revenue is slow to certify the triennial revaluation. Without the certification, there cannot be a Tax Classification Hearing on December 3rd and the third-quarter tax bills will need to be estimated.

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7. Keyspan has finally begun the gas main work at the intersection of Route 2, ORNAC, and Old Marlboro Road that was permitted in September. The company began work after the street opening moratorium went into effect for the winter. The company is working on an emergency gas line repair on the South Bridge at this time.
8. Work on the Warner Pond Dam is ceasing for the winter. It is 40% complete. Neighbors are looking forward to the creation of a pocket park in front of the dam.
9. The 2007 Concord-Carlisle Human Rights Council Breakfast will occur on December 4 at the Trinitarian Congregational Church on Walden Street at 7:30AM.
10. Work on Heath's Bridge on Sudbury Road and the Route 117 Bridge at Nine Acre Corner are nearing completion. The Town Manager agreed to check on the progress.
11. The Light Board has recommended that the Town Manager sign the contract for natural gas re: the purchase power agreement. Light Plant Superintendent Dan Sack will develop a strategy for the Town Manager's consideration. This is the first time that the Town will engage in risk management scenarios in the purchase of power.

PUBLIC HEARING: CHANGE OF D/B/A FARFALLE INC.

Owner Gina Nasson was present to request a change of d/b/a for her business Farfalle. She began as a sole proprietor and has become incorporated with a new tax identification number. She proposes Farfalle Inc., d/b/a Farfalle Italian Market.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve the change of d/b/a of Farfalle owned by Gina Nasson to Farfalle Inc. d/b/a Farfalle Italian Market, 26 Concord Crossing.

COMMITTEE LIAISON REPORTS

Ms. McIntyre reported that the Hugh Cargill Farm Management Task Force has been meeting regularly. It is not clear whether they will have a report for the Coordination Meeting. They have posed questions of Town Counsel that when answered will likely lead to a proposal at Annual Town Meeting.

Mr. Howes stated that he and Ms. McIntyre have been meeting with representatives of Walden Woods and members of the Housing Development Corporation regarding working together. CHCD is looking for new members with experience in aspects of all housing developments to strengthen the professional experience available to developing affordable housing in Concord.

The current mission of the CHDC is working with existing affordable housing to ensure that the affordability is not lost. There is activity in play now that may serve as a training opportunity to purchase land and develop housing. It will be important to develop housing efficiently and prudently or there may not be other opportunities.

Ms. McIntyre reported that the Concord Housing Trust had an Open House at its new Bedford Road housing on the Burke property. The setting is lovely and owners are CCHS graduates.

Ms. Shapiro stated that the Flag Retirement Ceremony on Veterans Day was well done and well attended. She noted her pride that local merchants have enabled the Military Family Support Group to collect needed items for service men and women overseas, which national chains have not permitted. The group meets in West Concord on the third Tuesday of each month.

CITIZEN COMMENT

Ms. McIntyre stated that the Finance Committee has had a discussion regarding a Stabilization Fund and wondered if decisions had been made. Mr. Tom Anzer, Chair of the Finance Committee stated that the Committee had not reached a conclusion at this time, but hopes to do so in its December meeting.

Hearing re Farfalle
d/b/a

Liaison Reports

Citizen Comment

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The Committee has the capacity to set some policy and is not looking solely at the notion of creating a stabilization fund, but at the overall policies regarding Free Cash. Issues to consider include the percentage of Free Cash aside in the Reserve Fund and a recommendation to the Town Manager regarding the amount to direct to the Stabilization Fund for Town Meeting vote.

A Stabilization Fund would allow the Town Treasurer to set aside funds for a purpose that has been agreed upon, such as paying off debt service in years where it is particularly high. 2011 is expected to be such a year. The Fund could be used to lessen the impact on taxpayers. It could also be used to address an extraordinary capital expense or major disaster. Transferring funds to such an account will allow funds to accumulate at a better rate of interest. Mr. Anzer stated that he believed Moody's would look favorably on increasing its Free Cash reserves given that there is an anticipated debt increase. Concord maintains its Aaa rating due to extraordinary management and good policies.

Committee discussion included: The Town typically reserves 5% of budget as Free Cash. This would be \$5MM for FY09. Reasons for the robust amount of Free Cash include interest rates on general proceeds, excess levy capacity, and increased permit activity.

A Stabilization Fund would differ from Free Cash in that it 1) it requires a $\frac{2}{3}$ vote of Town Meeting to use; 2) it cannot be used for general tax reduction; 3) a stabilization fund could earn more interest income; 4) Free Cash has been generated during a period of growth and strong economy, but cannot be depended upon to regenerate itself forever; 5) taxpayers have seen extraordinary tax increases in the past five years; why would the abundance of Free Cash not go back to the taxpayers who have been paying the bills during this period rather than new residents who will move to Town;

There are likely funds coming from the state for both Thoreau School and Willard School. More than a 4% increase in taxes can be expected from Willard construction and projections for the cost of regional high school construction range as high as 9%; this is likely to be very difficult for many residents to absorb. The Stabilization Fund could enable stable increases rather than steep spikes.

6) tax rate increases within the levy limit will aid the Town's ability to mitigate the impact of mounting debt service in peak years; 7) 8) the time to build a Stabilization Fund is when the Town is not experiencing as rapid increases as the present; 9) perhaps more of the Free Cash over the 5% could be returned to current taxpayers rather than benefit future taxpayers; 10) to put Free Cash into operating budgets could be very risky in a recession when State aid typically disappears;

11) current legislation allows Stabilization Funds to be identified for almost any purpose and requires that a purpose is in place; a $\frac{2}{3}$ vote of Town Meeting could alter the purpose. A simple majority vote is required to put funds into the stabilization fund; 12) stabilization funds are not an issue with Moody's, but one of today's dollars used for today's taxpayers; 13) because the Town will be quickly retiring debt on Alcott and Thoreau, the impact of Willard in 2011 will be \$250 and the total impact of all three elementary school projects will be just under \$800.

The final recommendation regarding the Stabilization Fund will be made in time for consideration during the Hearing process for Annual Town Meeting.

SILENT FUND/ HUGH CARGILL TRUST COMMITTEE STATUS REPORTS

Alice Van Deusen and Gordon Fraser were present to update the Board on the activities of the Silent Fund and the Hugh Cargill Trust Fund. Although both the Silent Fund and the Hugh Cargill Trust are the result of very old bequests, both funds are augmented by current contributions from individuals, the Light Plant, and the Timothy Wheeler organization.

Ms. Van Deusen noted that the funds have a similar history and low profile. Upon the recommendation of a social service agency and the vote of the Board of Selectmen, the Silent Fund provides holiday gifts to families and individuals in need. Ninety four gifts were made in 2006. That process has begun for 2007. In addition, using a similar confidential process, the Silent Fund will make awards of summer camperships. There were forty-four awards in 2006.

Silent Fund/ Hugh
Cargill Trust

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The Hugh Cargill Trust Committee helps provide emergency assistance throughout the year. The Committee makes 10-15 grants each month for fuel, insurance, power bills, medical and dental needs, and recently for tax relief. For the historical services, the Hugh Cargill Trust can grant up to \$1,000 in assistance to a family per year.

The bulk of the proceeds from the 2006 Board of Selectmen Appeal are being administered by the Hugh Cargill Trust Committee for tax relief. The Committee has granted \$300 in tax relief per quarter to those who have made their needs known to the committee and expects the number of beneficiaries to increase. The grant has been a reduction of 17% to 30% of the local tax bills. Mr. Fraser pointed out that many more residents need help than we realize. Many are reluctant to seek assistance so outreach and publicity are crucial.

Mr. Howes noted that outreach and publicity are also critical to make known the need to those who can contribute.

BOARD 2007 APPEAL KICK OFF

Ms. McIntyre stated that the Board in 2006 began an Appeal to assist Concordians. The resulting \$35,000 for tax relief was a thrilling outcome. She noted that the State gives few tools for a town such as Concord to remedy the inequities of a dependence on property taxation.

The Appeal for 2007 is ready to go to residents at this time. While recognizing the competing philanthropic appeals at this time of year, it is hoped that residents will dig deep for their neighbors who need help. In an effort to avoid conflict with other agencies, it was suggested that contributions be directed to tax relief.

Mr. Howes noted that local parent teacher groups were very effective communicators and could become competitive in helping their neighbors if the Appeal was posed as a challenge.

After discussion, the Board decided to direct the funds from the 2007 Appeal that were not otherwise identified by the donor to tax relief.

THOREAU FARM TRUST AGREEMENT

Lucille Stott, president of the Thoreau Farm Trust was present to discuss the purchase and sale agreement for the property. She stated that the document is essentially the same as when the Board considered the amendment in October. There has been more work on the preservation restriction to make it more extensive and to identify more elements of the house to protect.

The document also identifies the Town interest in the property being the \$200,000 CPA grant. If the construction value is estimated at \$900,000 then the Town share of the property is 22%. The purchase price is not included in factoring the Town share because the purchase was twenty-five acres and the house. The Trust will own only two acres and the birth house.

Ms. McIntyre stated that she would have preferred the agreement to include a clause that reverts the parcel to the Town should the Trust cease. The current language requires the Trust to sell to an entity with a similar mission should it cease existence.

Town Counsel has been assiduous in pressing the Town's interest in the agreement. The Historical Commission has not reviewed the agreement as it has not had a funding role. However, a member of the Commission also sits on the Community Preservation Committee and has therefore been aware of preservation issues.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: Move to approve the following documents that have been delivered to the Board of Selectmen tonight and to approve the execution of these documents by the Board of Selectmen (or the Town Manager acting on behalf of the Board of Selectmen when appropriate) in order to effectuate the real estate transaction approved by Article 48 of the 2003 Annual Town

2007 Board Appeal

Thoreau Farm Trust

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Meeting and, accordingly, to permit the transfer of a portion of the property at 341 Virginia Road in Concord to The Thoreau Farm Trust, Inc. (the "Thoreau Farm Trust") pursuant to the Purchase and Sale Agreement between the Town of Concord and the Thoreau Farm Trust dated June 28, 2004, as amended:

1. Preservation Restriction to be granted to the Town of Concord by the Thoreau Farm Trust;
2. Declaration of Restrictions, Easements and Covenants by and between the Town of Concord and the Thoreau Farm Trust;
3. Deed from the Town of Concord to the Thoreau Farm Trust; and
4. Such other documents, on terms acceptable to the Board of Selectmen or the Town Manager, as may be reasonably required and/or as may be reasonably necessary to accomplish the real estate transaction contemplated by Article 48 and to enable the sale of a portion of the property at 341 Virginia Road to the Thoreau Farm Trust.

and **further to** approve any final changes in the documents referenced above that the Board of Selectmen (or the Town Manager acting on behalf of the Board of Selectmen) may deem appropriate and reasonably necessary to accomplish the real estate transaction contemplated by Article 48 of the 2003 Annual Town Meeting and to enable the sale of a portion of the property at 341 Virginia Road in Concord to The Thoreau Farm Trust, Inc.

SCHOOL BUILDING COMMITTEE FINAL REPORT

Fred Wersan and Frank Cannon were present to update the Board on the final activities of the Alcott Thoreau School building Committee. Mr. Wersan noted that Alcott was completed before the Committee moved on to the Thoreau School. Phase II of Alcott is now almost complete except for some site work. The air tempering is complete.

Both buildings were completed on time and under budget. The Massachusetts School Building Authority has noted that the Committee financial processes were a model for other communities. Throughout the process the Committee kept a file of lessons learned that will assist in managing future school construction.

There is still the matter of litigation regarding an alleged soil contamination at the Thoreau School that is in the hands of counsel. This will be handled by counsel and the Town Manager's Office.

The Board complimented Mr. Wersan for his excellent communications to the community that permitted clear decision-making.

Upon an Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to accept the Final Report of the School Building Committee and to dissolve the Committee with the thanks of the Town.

PRELIMINARY TRAMMEL CROW COMMENTS

The Board agreed to review comments to the Zoning Board of Appeals at its next meeting. Any suggestions should be passed to the Town Manager who will draft the memo.

CITIZEN COMMENT

Peter Fischelis, Chair of the Concord School Committee thanked the School Building Committee for the many years work that resulted in two wonderful schools. In addition he thanked the Selectmen and the Finance Committee for support regarding the Willard School construction project. Regarding the discussion of the Stabilization Fund, he stated that if the Town had instituted such a fund thirty years ago the residents would not be struggling with the tax peaks due to school construction. He stated that it was fair to ask future generations to pay for services they receive. Therefore, He supports a fund to respond to rainy days or the needs of future generations.

MISCELLANEOUS/CORRESPONDENCE

1. Mr. Howes stated that he had attended a turkey raffle fund raiser for the Concord Ed Fund. There was a film from grant recipients that noted the benefits received.

School building
Committee Report

Citizen Comment

Misc./Correspondence

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2. Ms. Shapiro noted concerns about process at Special Town Meeting. Once the Finance Committee had asked the School Committee for data regarding the total tax burden of school projects, she anticipated this being addressed in the presentation. It was not; in addition, the analysis that was presented referred to a twenty-year average impact on a median home. She recommended that a protocol be developed for future Town Meetings that certain analysis be identified as the responsibility of Boards and Committees. This will be addressed at the upcoming Selectmen's meeting.
3. Ms. Shapiro noted correspondence from Bedford asking the Board's support of legislation that would provide additional school aide for the many children of federal employees who live on the Hanscom Air Force base. She stated that this is the sort of request that was promised during the BRAC process. This will be addressed at the upcoming Selectmen's meeting.
4. Ms. Briggs stated that in one week the Town would begin the 2008 annual Town Meeting cycle. The Coordination Meeting will be on Saturday December 1, the Warrant will Open on December 3 and Close January 2, and Warrant Articles will be submitted to the Town Manager's Office.
5. Ms. Briggs proposed that the Board of Selectmen submit an Article to Annual Town Meeting regarding the Schematic Design of the Bruce Freeman Rail Trail. It would define the significant changes to broad parameters such as route, parking, surface, that would require a return to Town Meeting. If the Committee recommendation is not ready then no proposal would be brought to Town Meeting.
6. The Town Manager noted that the Legislature has voted to change the Presidential Primary date. He asked the Board to discuss possible changes with the Town Clerk at the next meeting

COMMITTEE NOMINATIONS

Ms. McIntyre nominated Jane Mendillo of 50 Belknap Street to the Trustees of Town Donations for a term to expire May 31, 2010.

Nominations

TOWN MANAGER APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to confirm the Town Manager's Appointment of James Phelps of 256 Hunters Ridge Road as an Associate Member of the Board of Assessors for a term to expire May 31, 2008.

Town Manager
Appointments

ADJOURNMENT

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to conclude business for the evening.

Adjourn

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Stanly E. Black	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Gregory P. Howes, Clerk